

THE NEW CHINESE TREATY

MADE PUBLIC WITHOUT THE SENATE'S CONSENT.

IT ABSOLUTELY PROHIBITS THE IMMIGRATION OF LABORERS—TEXT OF THE TREATY AND MR. BAYARD'S LETTER OF EXPLANATION.

WASHINGTON, March 27.—On March 16, nearly a fortnight ago, the President transmitted to the Senate the treaty just completed by the Secretary of State and the Chinese Minister for the exclusion of Chinese laborers. The President made the request in his message to the Senate that, in view of the public interest in the subject, the treaty should be published. The request has not yet been complied with. While the Senate is making up its mind about the matter, it may be interesting to the readers of THE TIMES to know what the President and Secretary Bayard have to say about the treaty and to read the treaty itself. The letter of the President transmitting the treaty is as follows:

To the Senate:

I have the honor to transmit herewith and recommend for your constitutional approval a convention signed and concluded in this city on the 12th inst., under my direction, between the United States and China, for the exclusion hereafter of Chinese laborers from coming into this country. The treaty is accompanied by a letter from the Secretary of State in recital of its provisions and explanatory of the reasons for its negotiation, and with it are transmitted sundry documents giving the history of events connected with the presence and treatment of Chinese subjects in the United States. In view of the public interest which has for a long time been manifested in relation to the question of Chinese immigration, it would seem advisable that the full text of this treaty should be made public, and I respectfully recommend that an order to that effect be made by your honorable body.

GROVER CLEVELAND.

EXECUTIVE MANSION, WASHINGTON, March 16,

1888.

The following is the letter of Secretary Bayard accompanying the treaty:

To the President:

I have the honor to transmit herewith, with a view of its being communicated to the Senate for its advice and consent, a convention providing for the absolute prohibition of the coming of Chinese laborers into the United States, which was concluded in this city on the 12th inst. by me, under your instructions and authority, and by the Chinese Minister at this capital under the imperial authority of China.

Shortly after the advent of your Administration it was considered advisable, in view of the popular discontent in the States bordering upon the Pacific, growing out of the presence there of Chinese laborers and their obvious lack of assimilation with the sympathies, habits, and interests of our own citizens and the demonstrated inefficiency of the statutes intended to restrict their coming to us, that an effort should be made to procure the desired relief by obtaining the consent and co-operative action of China by means of an amended treaty, and thus avoid the necessity of a resort to separate legislation, which, without the co-operative assistance of the Chinese Government, would be less effectual and might also be open to exception as being in conflict with or derogation of the stipulations of existing conventions, and possibly of impairing our good understanding with a friendly power. The temporary absence from the United States in 1885 and the subsequent illness of the then Chinese Minister unavoidably delayed negotiations, but upon the arrival of his successor, the present Minister, Chang Yen Hoon, propositions were speedily submitted to him for a convention absolutely prohibiting the immigration of Chinese laborers, and after some further delay, arising from a visit made by him to Europe last Summer, the treaty herewith transmitted has been concluded.

By this arrangement we have secured the co-operation of China in the main purpose and object of the treaty, which is plainly stated in the first article of the convention to be the absolute prohibition of Chinese laborers from coming into the United States for 20 years, and its renewal thereafter for a similar period, unless notice shall have been given as provided in Article VI. This precludes the return of any Chinese laborers who are not now in this country and forbids the coming into the United States of Chinese laborers from any quarter whatsoever. From this inhibition are excepted any Chinese laborer who has a lawful wife, child, or parent in the United States or property therein of the value of \$1,000, or of debts of like amount due him and pending settlement. Considerations of humanity and justice require these exceptions to be made, for no law should overlook the ties of family, and the wages of labor are entitled to just protection. Judging also by the statistics of the class in question and from general experience such excepted cases will be practically few in number, infrequent, and easily capable of such regulations as might prevent abuse.

The regulation and control of the issue of such certificates of return will be wholly in the hands of United States officials, and power to prescribe other laws at discretion may be exercised by the United States. Such right for return is for a limited period, and the certificates are invalidated by the perpetration of frauds in connection with their procurement or use, and the United States are free to adopt such measures as may become advisable to check or punish any abuse. In the course of late litigation in the United States courts in California, arising out of the contested claims of certain Chinese laborers to return to the United States under the certificates now provided by law, it has been pertinently suggested by the learned Judges before whom the cases were tried that the detailed information contained in the certificates themselves, as now issued to the Chinese, furnished the means of fraudulent entry of Chinese laborers to whom such certificates have been fraudulently transferred and who are not entitled to come to the United States; and it has been pointed out that if all the facts requisite for complete identification of the departing Chinamen were retained in the United States official custody, and a paper containing only a simple number and properly marked, signed and countersigned by the officials, were furnished, the means of detecting and preventing fraud in the transfer of the certificate would be given and the present abuses made almost impossible of occurrence.

Existing treaty privileges of travel and sojourn in the United States to Chinese officials, teachers, students, merchants, and travelers for curiosity and pleasure, remain undisturbed, as well as the transit right of laborers, strictly to be exercised under United States regulations.

The stipulations of the third article of the treaty of 1880 provided for the extension of the full protection of the persons and property of Chinese subjects of all classes that is given by laws of the United States to the most favored nation, and by the terms of that article the United States also agrees to exert all its power to secure such protection to the persons and property of Chinese subjects in the United States. It cannot justly be alleged that any discrimination has been made against the Chinese by the laws of the United States, nor that they have been denied or obstructed in their access to avenues of public remedial justice, which are open to all persons alike without distinction of race or nationality; but the fact remains that for reasons heretofore stated in the message of the President to Congress in relation to the Rock Springs indemnity, there has been a failure of justice in the repression and punishment of crime, the lawless violence, of which Chinese were the victims, owing to the mingled causes of race prejudice, labor rivalry, their peculiar habits and segregation from other nationalities. The ill-treatment to which Chinese laborers have been subjected by lawless and cruel men in certain scantily-settled and remote regions of our jurisdiction, where they are practically beyond the reach of the protecting arm of law, has been a subject of just complaint by their Government, as well as mortification and sorrow to our own; and Congress heretofore, in the case of the Rock Springs massacre in Wyoming Territory, in view of all the circumstances, has made voluntary appropriations for the relief of the sufferers and their families. The distribution of Governmental powers under our system forbids the assumption of local police control by the Federal authority, except in the cases provided for by the Constitution, wherein State and local Governments make application to the Executive for the assistance of the military arm of the Government.

The stipulation of our treaty with China does not demand the enactment or enforcement of laws discriminating in favor of the Chinese subjects in the United States, nor does it entitle them to greater or other protection than is ac-

corded to citizens of the most favored nation. Tried by this test, the Chinese in all cases of injuries to their person or property are equal before the laws of this country to the citizens of any other most favored nation and certainly to our own citizens. But the fact remains that they have suffered grievously in person and property, and while the liability of the United States is wholly inadmissible as recited in Article V. of the treaty now submitted, yet it is competent for this Government, in humane consideration of those occurrences so discreditable to the community in which they have taken place, and outside of the punitive powers of the National Government, to make voluntary and generous provisions for those who have been innocent victims of lawless violence within our borders, and to that end, following the dictates of humanity, and, it may be added, the example of the Chinese Government in sundry cases where American citizens who were the subjects of mob violence in China have been indemnified by that Government. The present treaty provides for the payment of a sum of money, to be received as full indemnity for all such losses and injury sustained by Chinese subjects in the United States, to be received and distributed by the Chinese Minister at this capital. This payment will, in a measure, remove the reproach to our civilization caused by the crimes referred to, as well as redress grievances so seriously complained of by the Chinese representative, and unquestionably will also reflect most beneficially upon the welfare of the American residents in China.

I submit herewith a list of the claims from time to time presented to this department through the Chinese Minister, in which the details of the injuries inflicted are set forth. Respectfully submitted, T. F. BAYARD.
DEPARTMENT OF STATE, WASHINGTON, D. C.,
March 16, 1888.

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